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SECRETARY OF THE STATE
CONNECTICUT

**Government Administration and Elections Committee Public
Hearing
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Testimony**

Good Morning once again to the GAE Committee – Chairman Musto, Chairman Jutila, and members. For the record, my name is Denise Merrill and I am Secretary of the State of Connecticut. There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state.

SENATE BILL 775 “A RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REVERSE THE UNITED STATES SUPREME COURT’S DECISION KNOWN AS CITIZENS UNITED.”

Simply put, I support this resolution. The Supreme Court’s ruling in the *Citizen’s United* case – that corporations have a right to free speech on par with individuals and to spend directly from their treasuries on political campaigns – is one of the greatest legal travesties we have seen in this country in the last 50 years. It reversed over 60 years of federal campaign finance law that really sought to put some reasonable limits on the corrosive influence of money in politics. Our founding fathers – when they authored the bill of rights – surely had no intention of extending an individual’s right to freedom of speech contained in the first amendment to a corporation.

I’m sorry but corporations are NOT people.

Connecticut has been a national leader in campaign finance reform and we are the first state to establish public campaign grants for state office by legislative action rather than initiative or referendum. We did that because we believe in clean elections where the influence of a few powerful well-funded donors cannot drown out the voices of everyday citizens who can only afford to give small dollar amounts to political campaigns. This Supreme Court decision reversed decades of campaign finance laws. We in Connecticut must respond.

Connecticut responded quickly to Citizens United in 2010 by passing one of the strongest disclosure laws in the nation. By an 8-1 majority, the Supreme Court of the United States, in *Citizens United*, endorsed disclosure, even though the holding on the core issue was 5-4. I know this committee will be taking up a bill to make our disclose law even stronger. However strong disclosure may be it does not get at the corrosive effect—actual and perceived—of too much money from great aggregations of wealth in our politics.

Over 100 years ago, Congress banned direct contributions by corporations to candidates. Over 60 years ago, Congress banned direct, independent expenditures by corporations and unions advocating the election or defeat of a candidate. *Citizens United* overturned the federal ban on these independent expenditures from corporate and union treasuries, and this had the effect of overturning our ban here in Connecticut.

It was Teddy Roosevelt and other turn-of-the 20th-century reformers who first raised the alarm about the danger posed by unlimited reserves of corporate wealth being spent in elections. He was right then and would be amazed at where we are now. *Citizens United* and cases relying on it have led in turn to Super PACs, which had an outsized role in last year's national election. There were huge sums spent as independent expenditures in General Assembly races in Connecticut last fall.

Some strong constitutional amendment resolutions have been introduced in Congress that would, if passed and ratified, overturn *Citizens United* and allow Congress to properly regulate corporate and union independent expenditures. Senator Blumenthal has added his name to one of them. Constitutional amendments are not easy to pass, but when the times and the people demand action, they pass.

Congress needs to hear from you, the people's representatives, on this important matter. Therefore I urge that you approve this resolution.

Senate Bill 729 "AN ACT CONCERNING A PILOT PROGRAM TO ALLOW EARLY VOTING"

The bill proposes a pilot program early voting period for municipal elections. Although the legislation itself really has not been drafted yet and there are few details, I want to voice my support for this bill. I have said many times before that I think we in Connecticut need to modernize our elections and provide more voting options that accommodate the busy hectic lives of our voters.

In 2012 we watched as more than 32 million Americans cast general election ballots before Election Day. Some 30 states have enacted some form of early voting. It works, and it is very popular. People love it. As you know, we have proposed a constitutional amendment that would allow the general assembly to enact early voting in Connecticut, and while the date for state and federal elections is set by the Connecticut and United States Constitutions respectively, municipal elections are not

set out in the state constitution. We would be happy to assist in further developing this idea.

Over the last several months I have asked several towns of all shapes and sizes if this is an idea that they would like to further develop. Early voting provides more opportunities for citizens to vote and reduces pressure on Election Day. This would be a municipal option, so only cities and towns who would like to participate would do so; no one will be mandated. I believe this is a great opportunity to test the waters and get some data on early voting – to see how it works in reality for some of the municipalities in our state so I urge passage of this bill.

SENATE BILL 1118 “AN ACT CONCERNING QUALIFICATIONS OF ELECTION MODERATORS”

This bill prohibits anyone who has been convicted of or pled guilty or no contest to any felony involving fraud, forgery, larceny, embezzlement or bribery or a violation of Title 9 election law from serving as a moderator or an alternative moderator on Election Day. This prohibition would exist so long as that conviction or guilty plea happened in a court of competent jurisdiction

I support this bill; we should expect the highest standards of conduct from our elections officials. We certainly would not want anyone who had committed these types of crimes to be responsible for running a polling place.

HOUSE BILL 6630 “AN ACT CONCERNING THE DELIVERY OF ABSENTEE BALLOTS BY THE TOWN CLERKS”

Under current state law, absentee ballots are required to be delivered by Town Clerks to the Registrars two or three times over the course of the day on Election Day. This bill would allow the town clerks and registrars to mutually agree on a later time for delivery of the ballots (provided it is not later than 8 pm) and I support this bill. Current law reflects a time when we used the old lever-ballot voting machines and absentee ballots were counted by hand – a very labor intensive and time consuming process, but since we have been using optical scanners to count ballots, some towns may prefer to run the absentee ballots through the machines very quickly and accurately in one count. Again, I support passage.

HOUSE BILL 6633 “AN ACT CONCERNING CAMPAIGN FINANCE LAW AND PRIOR BAD ACTS”

As a strong supporter of public campaign financing, I think it is imperative that the campaign grants that we award through the Citizens Election Program are not misused, and I think we should be very conscious of upholding the public trust in how we award these dollars and who we award them to. This bill would prohibit persons

who have been convicted of or pled guilty or no contest to certain relevant felonies from serving as campaign treasurers or from receiving a grant from the Citizens Election Fund. This is a sensible approach that balances the public's benefit of limiting the influence of special interests with our obligation to safeguard public funds. I urge passage.

HOUSE BILL 6635 "AN ACT CONCERNING AMENDED ELECTION RETURNS"

This bill would impose a 7-day limit for towns to file amended election returns. Currently, towns are required to file their election returns with my office after the polls close up to 6:00 p.m. the following day. Towns can also submit amended returns if a count in a precinct is off or if mistakes were made in the count, but there needs to be a limit on when these amended returns can be submitted.

We have seen amended returns submitted weeks after Election Day. Last year we even had an amended election return sent to our office on the day we were by law supposed to certify the general election results. I think this bill would give a reasonable amount of time for local election officials to review the machine tabulations and then report to my office if there are any changes to the initial election returns. I think a window of seven days is enough time to make those changes and report to my office, so we can formally record the election results without unexpected additional changes in results so I urge passage of this bill.

At this point I would be happy to take questions.